

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**UNITED STATES OF AMERICA
ex rel ROBERTS**

CIVIL ACTION NO. 02-2199

VERSUS

JUDGE ROBERT G. JAMES

AGING CARE HOME HEALTH, INC., ET AL.

MAG. JUDGE JAMES D. KIRK

MEMORANDUM ORDER

On September 21, 2005, Magistrate Judge James D. Kirk issued a Memorandum Order, which ordered Defendant Aging Care Home Health, Inc., (“Aging Care”) to answer all outstanding discovery no later than September 23, 2005. In addition, the order granted Plaintiff United States of America until the close of discovery to name handwriting experts.

Pending before the Court is Defendant’s Appeal to the Magistrate’s Decision [Doc. No. 118].

A magistrate judge’s non-dispositive order is reviewable under the clearly erroneous and contrary to law standard. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); *Castillo v. Frank*, 70 F.3d 382, 385-86 (5th Cir. 1995).

Having conducted a review of the entire record, including the past scheduling orders, motions for continuance of deadlines, and Defendant’s Appeal, the Court finds that, under the facts and circumstances of this case, the Magistrate Judge’s order was not clearly erroneous nor contrary to law, and **AFFIRMS IN PART** and **REVERSES IN PART** the Magistrate Judge’s order.

To the extent that Defendant Aging Care is required to answer Plaintiff's interrogatories, the Magistrate Judge's order is AFFIRMED.

To the extent that Plaintiff is allowed until the close of discovery to name handwriting experts, the Magistrate Judge's order is also AFFIRMED.

In light of equitable considerations, fairness to the Defendants, and the substantial nature of the Plaintiff's interrogatories, to the extent that Defendants must answer the Plaintiff's interrogatories by September 23, 2005, the Magistrate Judge's order is REVERSED. Defendants are granted until 4:00 p.m., September 30, 2005, to respond to Plaintiff's interrogatories.

MONROE, LOUISIANA, this 23rd day of September, 2005.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE